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Attorneys for Plaintiffs,  
UMG RECORDINGS, INC.; ARISTA RECORDS  
LLC; ELEKTRA ENTERTAINMENT GROUP  
INC.; CAPITOL RECORDS, INC.; LAFACE  
RECORDS LLC; SONY BMG MUSIC  
ENTERTAINMENT; and MOTOWN RECORD  
COMPANY, L.P.

\*E-FILED - 7/22/08\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UMG RECORDINGS, INC., a Delaware corporation; ARISTA RECORDS LLC, a Delaware limited liability company; ELEKTRA ENTERTAINMENT GROUP INC., a Delaware corporation; CAPITOL RECORDS, INC., a Delaware corporation; LAFACE RECORDS LLC, a Delaware limited liability company; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; and MOTOWN RECORD COMPANY, L.P., a California limited partnership,

CASE NO. 5:07-CV-06033-RMW

Honorable Ronald M. Whyte

**EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND ORDER**

**Plaintiffs,**

V.

JOHN DOE,

Defendant

1 Plaintiffs respectfully request that the Court continue the case management conference  
2 currently set for July 25, 2008 at 10:30 a.m. to September 26, 2008. As further explained below,  
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached  
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for July 25, 2008 at 10:30 a.m.  
6 Plaintiffs have requested, and the court granted, one previous continuance of the case management  
7 conference in this matter on March 19, 2008.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John  
9 Doe (“Defendant”) on November 29, 2007. Plaintiffs did not have sufficient identifying information  
10 to name the defendant individually in the Complaint, but were able to identify Defendant by the  
11 Internet Protocol address assigned by Defendant’s Internet Service Provider (“ISP”).

12 3. In order to determine Defendant’s true name and identity, Plaintiffs filed their *Ex*  
13 *Parte* Application for Leave to Take Immediate Discovery on November 29, 2007, requesting that  
14 the Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

15 4. Although the Court had not yet ruled on Plaintiffs’ *Ex Parte* Application for Leave to  
16 Take Immediate Discovery, Defendant nevertheless contacted Plaintiffs through an attorney.  
17 Defendant was notified by the ISP of the potential lawsuit against her, and in response, Defendant  
18 identified herself to Plaintiffs; thereafter, settlement discussions began. Accordingly, Plaintiffs filed  
19 a Notice of Withdrawal of their *Ex Parte* Application for Leave to Take Immediate Discovery on  
20 March 17, 2008.

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1       5. The parties have agreed upon a settlement, and Defendant just recently returned a  
2 signed settlement agreement to Plaintiffs. Thus, a case management conference is unnecessary at  
3 this time. Plaintiffs therefore respectfully request that the Court continue the case management  
4 conference currently set for July 25, 2008 at 10:30 a.m. to September 26, 2008.

5 Dated: July 17, 2008

HOLME ROBERTS & OWEN LLP

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7 By: /s/ Dawnieill Alise Zavala  
8 DAWNIELL ALISE ZAVALA  
9 Attorney for Plaintiffs

10  
11 [] ORDER

12       Good cause having been shown:

13       **IT IS ORDERED** that the case management conference currently set for July 25, 2008 at  
14 10:30 a.m. be continued to September 26, 2008.

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17 Dated: 7/22/08

18 By: Ronald M. Whyte  
19 Honorable Ronald M. Whyte  
20 United States District Judge